

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jan 04, 2023

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Antonio Victor Mirelez Case Number: 0980 2:21CR00063-TOR-1

Address of Offender: [REDACTED] Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 10, 2022

Original Offense: Escape from Custody, 18 U.S.C. §§ 751(a) and 4082(a)

Original Sentence: Prison - 21 months Type of Supervision: Supervised Release
TSR - 12 months

Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: November 23, 2022

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: November 22, 2023

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on December 20, 2022.

On November 28, 2022, supervised release conditions were reviewed and signed by Mr. Mirelez acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
4	<u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mirelez is alleged to have violated his conditions of supervised release by consuming tetrahydrocannabinol (THC), on or about December 22, 2022.

On December 22, 2022, this officer conducted a field contact with Mr. Mirelez at Merit Resource Services (Merit) in Yakima, Washington, as Mr. Mirelez was there to provide a colorline urinalysis (UA) test. While there, this officer informed Mr. Mirelez that he had received a phone call from staff at Merit stating that Mr. Mirelez' UA had tested positive for THC, and Mr. Mirelez was refusing to sign an admission form, allowing Merit staff to send the UA to a laboratory for testing.

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Mr. Mirelez informed this officer that he was refusing to sign the admission form because he had not consumed THC since his last colorline UA. This officer reminded Mr. Mirelez that Merit could not send the UA to the laboratory to check for THC levels or new usage if he did not sign the admission form. Mr. Mirelez eventually signed the admission form, agreeing to have the UA sent to the laboratory to have the levels checked.

On January 3, 2023, this officer spoke to Mr. Mirelez to verify the last time he consumed THC. Mr. Mirelez said the last time he consumed THC was on December 26, 2022.

5 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mirelez is alleged to have violated his conditions of supervised release by consuming THC, on or about December 28, 2022.

On December 28, 2022, this officer received a telephone call from staff at Merit that Mr. Mirelez' UA had returned presumptive positive for THC. The UA sample was sent to the national testing lab for confirmation, and are currently waiting on the results from the lab.

On January 3, 2023, this officer spoke to Mr. Mirelez to verify the last time he consumed THC. Mr. Mirelez said the last time he consumed THC was on December 26, 2022.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 4, 2023

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: *All pending violations will be addressed at the Revocation of Supervised Release Hearing set for 2/2/2023.*



Thomas O. Rice
United States District Judge
January 4, 2023

Date